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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,580	10/30/2003	Yoichiro Sako		8336

7590 08/24/2004

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1185 Avenue of the Americas
New York, NY 10036

EXAMINER

VUONG, BACH Q

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,580

Applicant(s)

SAKO ET AL.

Examiner

Bach Q Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-14 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-14, 44-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-14 and 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki et al. (US 5,696,757).

Ozaki et al., according to Figs. 14, 21 and 26, show a recording apparatus for an optical recording medium comprising all features of the claimed invention as interpreted below:

Regarding claim 10, see Figs. 14, 21 and 26 which show a recording apparatus for an optical recording medium, comprising: a light source (see laser Oscillator 68) for outputting a recording laser beam; a light modulator (see optical modulator 54) for modulating the recording laser beam outputted from the light source based on supplied first data; a light deflector (see optical deflector 66) for deflecting the modulated recording laser beam outputting from the light modulator based on supplied second data in a direction that substantially perpendicular crosses a scanning direction of the modulated recording laser beam on the optical recording medium; and an objective lens (see objective lens 70) for converging the modulated recording laser beam that is outputted from the light deflector onto the optical recording medium.

Regarding claim 11, see Figs. 14, 21 and 26 which show a recording apparatus for an optical recording medium further comprising a signal processing unit (see CPU 58) for forming the first data and the second data based on supplied data.

Regarding claim 12, see Figs. 14, 21 and 26 which show a recording apparatus for an optical recording medium further comprising: a first driving unit (see Driver 52) to which the first data is supplied from the signal processing unit and that drive the light modulator; and a second driving unit (see Driver 64) to which the second data is supplied from the signal processing unit that drives the light deflector.

Regarding claim 13, see Figs. 14, 21 and 26 which show a recording apparatus for an optical recording medium wherein the signal processing unit (see CPU 58) forms the first data (see optical modulator 54) based on main data that is recorded on the optical recording medium and forms the second data (see optical deflector 66) based on additional data of the main data that is recorded on the optical recording medium.

Regarding claim 14, see Figs. 14, 21 and 26 which show a recording apparatus for an optical recording medium wherein the signal processing unit forms the first data based on upper bits of main data that is recorded on the optical recording medium and forms the second data based on lower bits of the main data (see column 18, line 31 through column 19, line 29).

Regarding claim 44, see Figs. 14, 21 and 26 which show a recording method for an optical recording medium, comprising the steps of: modulating a recording laser beam outputting from a light source based on supplied first data (see optical modulator 54); deflecting the modulated recording laser beam based on supplied second data in a direction that substantially perpendicularly crosses a scanning direction of the modulated recording

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laser beam on the optical recording medium (see optical deflector 66); and converging the modulated and deflected recording laser beam onto the optical recording medium by an objective lens (see objective lens 70).

Regarding claim 45, see Figs. 14, 21 and 26 which show a recording method for an optical recording medium wherein the first data (see optical modulator 54) is formed based on main data that is recorded onto the optical recording medium and the second data (see optical deflector 66) is formed based on additional data of the main data is recorded on the optical recording medium.

Regarding claim 46, see Figs. 14, 21 and 26 which show a recording method for an optical recording medium wherein the first data is formed based on upper bits of the main data that is recorded data is formed based on lower bits of the main data that is recorded on the optical recording medium (see column 18, line 31 through column 19, line 29).

Claims 10, 11 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (US 6,665,240).

Kobayashi et al., according to Figs. 1-16, show a recording apparatus for an optical recording medium comprising all features of the claimed invention as interpreted below:

Regarding claim 10, see Figs. 1-5 or 12-16 which show a recording apparatus for an optical recording medium, comprising: a light source (see recording laser 7 in Fig. 12) for outputting a recording laser beam; a light modulator (see optical modulator 8A) for modulating the recording laser beam outputted from the light source based on supplied first data; a light deflector (see light deflector 8B) for deflecting the modulated recording laser beam outputting from the light modulator based on supplied second data in a direction that substantially perpendicular crosses a scanning direction of the modulated recording laser

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beam on the optical recording medium; and an objective lens (see objective lens 13) for converging the modulated recording laser beam that is outputted from the light deflector onto the optical recording medium.

Regarding claim 11, see Figs. 1-5 and 12-16 which show a recording apparatus for an optical recording medium further comprising a signal processing unit (see DSP 62) for forming the first data and the second data based on supplied data.

Regarding claim 44, see Figs. 1-5 and 12-16 which show a recording method for an optical recording medium, comprising the steps of: modulating a recording laser beam outputting from a light source based on supplied first data (see optical modulator 8A); deflecting the modulated recording laser beam based on supplied second data in a direction that substantially perpendicularly crosses a scanning direction of the modulated recording laser beam on the optical recording medium (see light deflector 8B); and converging the modulated and deflected recording laser beam onto the optical recording medium by an objective lens (see objective lens 13).

Cited References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to a reproducing apparatus and method for reproducing data on optical recording medium having key information recorded thereon.

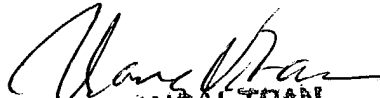
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
August 20, 2004


THANH V. TRAN
PRIMARY EXAMINER